



INDEPENDENT AUDITOR'S REPORT

Olivia Police Department



JANUARY 11TH, 2026
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Olivia City Council and Chief Krumheuer:

We have audited the body-worn camera (BWC) program of the Olivia Police Department (OPD) for the two-year period ended 10/14/2025. Minnesota Statute §13.825 mandates that any law enforcement agency operating a portable recording system (PRS)¹ program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Olivia Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On November 14, 2025, Rampart Audit, LLC (Rampart) met with Patrol Sergeant Aaron Clouse, who provided information about OPD's BWC program policies, procedures and operations. As part of the audit, Rampart also conducted a sampling of BWC data to verify OPD's recordkeeping.

The purpose of this report is to provide an overview of this audit, and to provide recommendations to improve the OPD BWC program and enhance compliance with statutory requirements.

OPD BWC Program Implementation and Authorization

Effective August 1, 2016, Minnesota Statute §626.8473 Subd. 2 requires that:

A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly-scheduled meeting.

OPD personnel provided copies of the following documents as evidence that OPD had met these requirements:

1. A public notice dated September 1, 2022, and published in the *Renville County Register* newspaper, announcing that a public hearing was to be held during the September 6, 2022, Olivia City Council meeting to discuss the proposed BWC program and policy. The notice provided instructions for reviewing a copy of the proposed BWC policy. It also included an invitation to provide written comments via mail or email in advance of the meeting, or oral comments in-person at the meeting.
2. A notarized affidavit of publication from the *Renville County Register* attesting to the publication of the public notice on September 1, 2022.
3. A copy of the June 6, 2022, Olivia City Council meeting minutes, which document that a discussion was held during the meeting regarding both OPD's current progress toward creating a BWC program, as well as the remaining steps to be completed prior to implementation. Chief

¹ It should be noted that Minnesota statute uses the broader term "portable recording system" (PRS), which includes body-worn cameras. Because body-worn cameras are the only type of portable recording system employed by OPD, these terms may be used interchangeably in this report.

Krumheuer noted that cameras had not been ordered at that time. In addition, the city council opened a public hearing during the meeting and invited comments from the public regarding the proposed program.

4. A copy of the September 6, 2022, Olivia City Council meeting minutes, which document that a second public hearing was held regarding the proposed OPD BWC program during this meeting.

Copies of these documents have been retained in Rampart's audit files. In our opinion, Olivia Police Department met the public notice and comment requirements prior to the implementation of their BWC program.

Minn. Stat. §626.8473 Subd. 3(a) requires that the law enforcement agency establish and enforce a written policy governing the use of its portable recording system, and states "[t]he written policy must be posted on the agency's Web site, if the agency has a Web site."

While OPD personnel furnished a copy of the BWC policy in advance of the audit, Sgt. Clouse advised us during the audit that OPD had not posted the policy to the OPD page on the City of Olivia website. He subsequently contacted us on November 19, 2025, to advise that this oversight had been corrected. Rampart then verified that the BWC policy was posted on the Police Department page of the City of Olivia website. In our opinion, Olivia Police Department is compliant with the requirements of §626.8473 Subd. 3(a) as of the date of this report.

OPD BWC WRITTEN POLICY

As part of this audit, we reviewed OPD's BWC policy, a copy of which is attached to this report as Appendix A.

Minnesota Statute §626.8473 Subd. 3(b) requires a written BWC policy to incorporate the following, at a minimum:

1. The requirements of section 13.825 and other data classifications, access procedures, retention policies, and data safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;
2. A prohibition on altering, erasing or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior the expiration of the applicable retention period under section 13.825 Subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;
3. A mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the officer's activities;
4. A mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;
5. A mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the deceased individual's next of kin, the legal representative of the deceased individual's next of kin, and the other parent of the deceased individual's child, upon their request, to inspect all portable recording system

data, redacted no more than what is required by law, documenting the incident within five days of the request, with the following exception:

- A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82 subdivision 7;
- 6. A mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82 subdivision 7;
- 7. Procedures for testing the portable recording system to ensure adequate functioning;
- 8. Procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;
- 9. Circumstances where recording is mandatory, prohibited, or at the discretion of the officer using the system;
- 10. Circumstances under which a data subject must be given notice of a recording;
- 11. Circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;
- 12. Procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and
- 13. Procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

In our opinion, the OPD BWC policy is compliant with respect to clauses 7 – 11.

Due to their complexity and interrelatedness, clauses 1 and 12 are discussed separately below. Clause 13 is also discussed separately.

Clauses 2 – 6 are newly added as a result of 2023 legislation and will also be discussed separately below.

OPD BWC Data Retention

Minn. Stat. §13.825 Subd. 3(a) establishes a minimum retention period of 90 days for all BWC data not subject to a longer retention period, while §13.825 Subd. 3(b) requires that the following categories of BWC data be retained for a minimum period of one year:

- 1) any reportable firearms discharge;
- 2) any use of force by an officer that results in substantial bodily harm; and
- 3) any incident that results in a formal complaint against an officer.

Meanwhile, Subd. 3(c) requires that any portable recording system data documenting a peace officer's use of deadly force must be maintained indefinitely. Finally, Subd. 3(d) requires that an agency retain BWC recordings for an additional period of up to 180 days when so requested in writing by a data subject.

The Retention of BWC Media section of OPD's BWC policy states: "Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days." This satisfies the requirements of §13.825 Subd. 3(a).

The Evidentiary Retention Requirements subsection of the Retention of BWC Media section of OPD's BWC policy specifies a minimum retention period of one year for those data categories described in §13.825 Subd. 3(b), which satisfies those requirements.

The same subsection states: "[e]videntiary BWC media that documents an officer's use of deadly force must be maintained indefinitely," which satisfies the requirements contained in §13.825 Subd. 3(c).

The Retention of BWC Media section states:

If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period up to 180 days. The BWC coordinator should be responsible for notifying the individual that the BWC media will then be destroyed unless a new request is made.

This satisfies the requirements contained in §13.825 Subd. 3(d).

Sgt. Clouse advised us that in the event an officer fails to assign a category to a BWC recording, that recording is retained indefinitely to prevent the accidental loss of data.

As discussed in Clause 2 of the Policy section of this report, a BWC policy must prohibit altering, erasing or destroying any recording made with a peace officer's portable recording system, as well as associated data or metadata, prior to the expiration of the applicable retention period. In addition, the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely.

As noted above, the indefinite retention requirement is addressed within the OPD BWC policy. In addition, the Retention of BWC Media section of the policy states: "[m]embers shall not alter, erase, or destroy and BWC media, before the end of the applicable retention period." OPD's BWC policy defines BWC media as "[t]he video, audio, and images captured by department BWCs and the associated metadata." In our opinion, OPD's BWC policy satisfies the requirements discussed in Clause 2 of the Policy section of this report.

Olivia Police Department employs Motorola V300 body-worn cameras and utilizes an on-site server for data storage. OPD manages BWC data retention through automated retention settings in the Evidence Library video management software. The retention period for each video is determined by the data classification assigned at the time of upload; however, this retention period can be adjusted as needed.

The Tagging BWC Media subsection of OPD's BWC policy states: "[m]embers should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type."

Sgt. Clouse advised us that OPD's squad cameras utilize a wireless upload function. Their BWCs are able to use this same wireless connection, provided they are within range of the officer's squad. Alternatively, there is also a physical docking station located at the OPD office.

In our opinion, OPD's BWC policy is compliant with respect to the applicable data retention requirements.

OPD BWC Data Destruction

As discussed above, OPD's BWC data are stored on an in-house server, with data retention and deletion schedules managed automatically through the Evidence Library video management software based on the assigned data classification of each video.

FBI CJIS policy requires that hard drives used for CJIS data storage are sanitized by overwriting at least three times or degaussing prior to being released to unauthorized individuals, while inoperable drives must be destroyed through physical means such as shredding.

Sgt. Clouse advised us that any hard drive used to store BWC data is physically destroyed at the end of its service life. In our opinion, this satisfies the applicable CJIS requirements.

OPD BWC Data Access

Though not addressed in the policy, Sgt. Clouse advised us that members of the public or media seeking access to BWC media can make their request either via email or by submitting a written data request form. All requests are directed to the OPD administrative assistant, who reviews and processes them in accordance with the requirements of the Minnesota Governmental Data Practices Act. Approved requests are fulfilled via email link or DVD.

OPD BWC data is shared with other law enforcement agencies for evidentiary purposes only. All such requests must be made in writing via data request form or email and submitted to the OPD administrative assistant. Existing verbal agreements between OPD and other area law enforcement agencies address data classification, destruction and security requirements, as specified in §13.825 Subd. 8(b). A similar process is used to provide BWC media to prosecutors.

We recommend that a file of these requests be maintained for audit purposes. We also recommend that OPD consider entering into written agreements with requesting agencies, or take other steps to document those agencies' responsibilities under §13.825 Subd. 8(b), such as including a written reminder as part of the email used to fulfill each request.

As discussed in Clauses 5 and 6 of the Policy section of this report, the Minnesota State Legislature in 2023 added specific access requirements related to BWC data that document deadly force incidents, and specified that these requirements must be included in the agency's BWC policy. These requirements are addressed in the BWC Media Regarding Use of Force Incidents Resulting in Death subsection of OPD's BWC policy.

In our opinion, OPD's BWC policy is compliant with respect to the applicable data access requirements.

OPD BWC Data Classification

The Public Access subsection of OPD's BWC policy states that: "[e]xcept as provided by Minn. Stat. §13.825, Subd. 2 or pursuant to Minn. Stat. §13.825, Subd. 15, BWC media is considered private or nonpublic data."

In our opinion, OPD's BWC policy is compliant with the BWC data classification requirements specified in Minn. Stat. §13.825.

OPD BWC Internal Compliance Verification

The Tagging BWC Media subsection of the OPD BWC policy states that: “[s]upervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.” In addition, the BWC Coordinator Responsibilities subsection of the policy states that the designated coordinator is responsible for “...conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.” Finally, the Access and Use of BWC Media subsection of the policy states that: “[s]upervisors should conduct documented reviews of their subordinate’s [sic] BWC media at least annually to... verify compliance with department procedures.” This portion of the policy also states that “[s]upervisors should conduct periodic reviews of a sample of each subordinate’s BWC media to evaluate BWC use and ensure compliance with this policy.”

Sgt. Clouse advised that both he and Chief Krumheuer conduct periodic reviews. The Evidence Library software logs all viewings of BWC videos, thereby creating a log of the reviews. If the software is unable to record a reason for the viewing, we recommend logging the reviews in a separate document, such as an Excel spreadsheet.

As discussed in Clause 4 of the Policy section of this report, the 2023 legislative changes require that an agency’s BWC policy must specify that an officer assigned a BWC wear and operate the system in compliance with the agency’s BWC policy while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official. This requirement is addressed in the Member Responsibilities subsection of OPD’s BWC policy.

The Access and Use of BWC Media subsection of OPD’s BWC policy states: “[a]ny member who accesses or releases BWC media without authorization may be subject to discipline,” while also noting that, “[m]embers may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. §13.09.”

In our opinion, OPD’s policy is compliant with respect to the compliance and disciplinary requirements contained in §626.8473 Subd. 3(b)(8).

OPD BWC Program and Inventory

OPD currently possesses six (6) Motorola V300 body-worn cameras, five (5) of which are in regular use with one (1) maintained as a spare.

The OPD BWC policy identifies those circumstances in which officers are expected to activate their body-worn cameras, as well as circumstances in which they are prohibited from activating their body-worn cameras. The policy also provides guidance for those circumstances in which BWC activation is deemed discretionary.

While OPD does not maintain a separate log of BWC deployment or use, Sgt. Clouse advised us that the number of BWC units deployed each shift can be determined based on a review of OPD payroll records. BWC use would be determined based on the creation of BWC data.

As of 11/14/2025, OPD maintained 7,701 BWC recordings.

OPD BWC Physical, Technological and Procedural Safeguards

OPD BWC data are initially recorded to an internal hard drive in each camera. The recordings are then uploaded to an on-site server using either a wireless connection or a physical docking station located at the OPD office. Officers have view-only access to their data for report writing.

Sgt. Clouse advised us that at the time of our audit, all BWC media were being stored on a single server; however, OPD was exploring options to create a backup system. We recommend that OPD consider either a cloud-based system, or else a secure, off-site storage system as a back-up to guard against both possible hardware failure, as well as the loss of data due to physical hazards such as fire or flood.

As noted in Clause 3 of the Policy section of this report, the 2023 legislative updates require that a BWC policy specify that the device be worn at or above the mid-line of the waist. This is addressed in the Member Responsibilities subsection of the OPD BWC policy

Enhanced Surveillance Technology

OPD currently employs BWCs with only standard audio/video recording capabilities. They have no plans at this time to add enhanced BWC surveillance capabilities, such as thermal or night vision, or to otherwise expand the type or scope of their BWC technology.

If OPD should obtain such enhanced technology in the future, Minnesota Statute §13.825 Subd. 10 requires notice to the Minnesota Bureau of Criminal Apprehension within 10 days. This notice must include a description of the technology and its surveillance capability and intended uses.

Data Sampling

Rampart selected a random sample of 132 calls for service from which to review any available BWC recordings. It should be noted that not every call will result in an officer activating his or her BWC. For example, an officer who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because the audit covers a period of two years, while most BWC data is only required to be retained for 90 days, there is a significant likelihood that the sample population will include ICRs for which BWC data was created, but which has since been deleted due to the expiration of the retention period. The auditors reviewed the retained BWC videos to verify that this data was accurately documented in OPD records.

Audit Conclusions

In our opinion, the Olivia Police Department's Body-Worn Camera Program is compliant with Minnesota Statutes §13.825 and §626.8473.

A handwritten signature in black ink, appearing to read "Rampart Audit, LLC", is written over a horizontal line.

Rampart Audit, LLC

1/11/2026

APPENDIX A:

Policy

432

Olivia Police Department

Policy Manual

Body-Worn Cameras

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Minn. Stat. § 626.8473).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

432.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

432.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

432.3 RESPONSIBILITIES

432.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

The responsibilities of the coordinator include:

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department, recording the date each BWC is placed into or taken out of service, and maintaining the following information:
 - 1. The total number of devices owned or maintained by the Olivia Police Department
 - 2. The daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used
 - 3. The total amount of recorded audio and video data collected by the BWC media systems and maintained by the Olivia Police Department
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
 - 3. Procedures include a process to obtain written authorization for access to non- public data by OPD members and members of other governmental entities and agencies for a legitimate, specified law enforcement purpose (Minn. Stat. § 13.825, Subd. 7; Minn. Stat. § 13.825, Subd. 8).
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations

Policy):

1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages) (Minn. Stat. § 626.8473, Subd. 3).
 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Chief of Police or authorized designee to (see the Office of the Chief, Records Maintenance and Release, and Protected Information policies):
1. Determine and apply proper retention periods to BWC media (e.g., firearm discharges, certain use of force incidents, formal complaints) (Minn. Stat. § 13.825, Subd. 3).
 2. Develop procedures for the appropriate release of BWC media.
 3. Ensure procedures comply with the requirements of the Minnesota Government Data Practices Act and other applicable laws (Minn. Stat. § 13.01 et seq.).
- (j) Coordinating with the Evidence Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Evidence Room Policy).
- (k) Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.
- (l) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (m) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Olivia Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders (Minn. Stat. § 13.825, Subd. 10).

432.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (Minn. Stat. § 626.8473).

Members shall comply with this policy's provisions while performing law enforcement activities

under the command and control of another law enforcement agency (Minn. Stat. § 626.8473).

432.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used (Minn. Stat. § 13.825, Subd. 6).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

432.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

432.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members are permitted to mute BWC audio only when all of the following conditions are met:

- The entire premises has been cleared of all non-law-enforcement individuals.
- Video-only recording is deemed sufficient for documentation.

Before muting, the member must verbally state on camera the specific reason for silencing audio. Audio must be resumed and announced whenever conditions change or the warrant concludes.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

432.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

432.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

432.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

432.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

432.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

432.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more

than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

432.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

432.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.

- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member (Minn. Stat. § 626.8473).
 - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Training Officer is permitted to access and view BWC media for training purposes.
 - 1. The Training Officer should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 - 2. The Training Officer may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Officer should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Chief of Police or authorized designee may access BWC media when necessary to conduct department-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
- (i) Any member who accesses or releases BWC media without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies for additional guidance) (Minn. Stat. § 626.8473, Subd. 3).
- (j) Members may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. § 13.09 (Minn. Stat. § 626.8473, Subd. 3).

432.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if:

- (a) It is clearly offensive to common sensibilities (Minn. Stat. § 13.82, Subd. 7; Minn. Stat.

§ 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4).

- (b) It unreasonably violates a person's privacy or depicts the interior of:
 - 1. A private residence.
 - 2. A facility that offers health care, mental health or substance abuse treatment, or social services.
 - 3. A school building.
 - 4. Any other building in which public access is restricted or which implicates heightened security concerns.

Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data.

432.7.3 ACCESS BY OTHER LAW ENFORCEMENT AGENCIES AND GOVERNMENT ENTITIES

Other law enforcement agencies and government entities (e.g., prosecutors, criminal justice agencies) may obtain access to not public BWC media for a legitimate, specified law enforcement purpose upon written authorization from the Chief of Police or the authorized designee and pursuant to department protocols (Minn. Stat. § 13.825, Subd. 8).

432.7.4 ACCESS BY PERSONS CAPTURED ON BWC MEDIA

Any person captured on BWC media may have access to the BWC media. If the individual requests a copy of the BWC media and does not have the consent of other non-law enforcement individuals captured on the BWC media, the identity of those individuals must be blurred or obscured sufficiently to render the person unidentifiable prior to release unless otherwise provided by law. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17 (Minn. Stat. § 13.825, Subd. 4).

432.7.5 ACCESS TO BWC MEDIA USED IN COLLISION INVESTIGATIONS

Individuals shall be provided with unredacted BWC media used in a collision investigation if the individual (Minn. Stat. § 13.825, Subd. 4):

- (a) Is entitled to a collision report under Minn. Stat. § 169.09
- (b) Submits a written request accompanied by the related collision report

The Department may deny access to unredacted data as provided in Minn. Stat. § 13.825, Subd. 4.

432.7.6 BWC MEDIA REGARDING USE OF FORCE INCIDENTS RESULTING IN DEATH

When a person dies as a result of the use of force by an officer, the Department shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

- (a) Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
- (b) Release all portable recording system data that documents the incident within 14 days of the

incident pursuant to the provisions of Minn. Stat. § 13.825.

432.7.7 DENIALS, REDACTIONS, AND NOTICES

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Chief of Police or authorized designee should review BWC media before public release.

The Chief of Police should work with the Custodian of Records when redactions, denials, or notices (e.g., reason for denial, potential penalties for misuse, seeking court relief) are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4; Minn. Stat. § 626.8473, Subd. 3).

432.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Minn. Stat. § 13.825).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period up to 180 days. The BWC coordinator should be responsible for notifying the individual that the BWC media will then be destroyed unless a new request is made (Minn. Stat. § 13.825, Subd. 3).

Members shall not alter, erase, or destroy any BWC media, before the end of the applicable retention period (Minn. Stat. § 626.8473).

432.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Evidence Room Policy).

432.8.2 EVIDENTIARY RETENTION REQUIREMENTS

BWC media documenting the following incidents must be retained for a minimum of one year and destroyed according to the department's records retention schedule (Minn. Stat. § 13.825, Subd. 3):

- (a) Any reportable firearms discharge
- (b) Any use of force by an officer resulting in substantial bodily harm
- (c) Any incident that results in a formal complaint against an officer

Evidentiary BWC media that documents an officer's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

432.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.